

PLANNING AND ZONING COMMISSION  
Monday, April 13, 2009 – MINUTES – Regular Session

Call to Order: Time In: 7:00 p.m.

The Planning and Zoning Commission of the Village of Canal Winchester met on the above date for a regular session and was called to order by Mr. Christensen.

Roll Call

Present: Mr. Christensen, Mr. Knowlton, Dr. Konold, Ms. Solomon, Mr. Vasko and Mr. Wynkoop. Mr. Wynkoop made a motion to excuse Mr. Graber. Dr. Konold seconded the motion. The motion passed unanimously.

Mr. Christensen welcomed Patrick Lynch with the Landmarks Commission to the meeting for the Preservation Area Application #SDP-09-01.

Approval of Minutes

Dr. Konold made a motion to approve the minutes of the March 9, 2009 regular Commission meeting as presented. Mr. Vasko seconded the motion. The motion passed 5-0-1 with Ms. Solomon abstaining.

Motion to Revise Agenda

Mr. Christensen stated that he needed a motion to revise the agenda to add David's United Church of Christ to Old Business. Mr. Knowlton made a motion to revise tonight's meeting agenda to add David's United Church of Christ. Dr. Konold seconded the motion. The motion passed unanimously.

Public Comment

There was none.

Administration of Public Oath

Mr. Christensen administered the public oath.

Item 1. Public Hearing Variance Application #VA-09-02 Property Owner Villas of Charleston Lake and Applicant George Babyak of Long and Wilcox, for property located at 6305 Lakeview Circle, are requesting a variance to Section 1189.08 (a) requesting an indefinite time extension to display a real estate marketing sign. Andrew Dutton, Zoning Officer, gave the staff report. Mr. Wynkoop asked if the sign would be approved as is or would the extra signs be removed. Allan Neimayer, Planning and Zoning Administrator stated that was up to the Commission. Mr. Knowlton noted that the sign itself does not say "for sale" should they come back with another sign.

George Babyak was present to answer questions from the Commission. Mr. Babyak stated that the sign is necessary with the slow economy and the lack of visibility to let potential buyers know where they are located.

Mr. Christensen stated that the sign blocks the neighborhood entrance sign. It needs to be moved and cleaned up.

There was no public comment.

Mr. Vasko made a motion to close the public hearing. Ms. Solomon seconded the motion. The motion passed unanimously.

Mr. Wynkoop discussed taking out the two small signs below would make the entrance sign visible.

Mr. Knowlton asked if everything besides the large wooden sign was in violation. Mr. Dutton said yes it is.

Mr. Knowlton made a motion to approve Application #VA-09-02 with staff recommendations. Ms. Solomon seconded the motion. The motion passed 5-1, with Mr. Vasko voting no.

Item 2. Public Hearing Variance Application #VA-09-03 Property Owner Trevcor Development LTD and Applicant Christine Collins, Fairfield Himes, Inc., for property located at 56 East Waterloo Street, are requesting a variance to Section 1163.02 (a) to increase the density from 6 to 16.5 units per acre and from 12 to 40 units per building; to Section 1163.04 (8) to decrease the one bedroom unit size from 850 to 659 square feet and decrease two bedroom unit size from 1,075 to 957 square feet; and to Section 1181.04 (a) to reduce the percentage of open space. Mr. Neimayer gave the staff report. Christine Collins with Fairfield homes, Inc. and Randall Woodings, architect with Kontogiannis and Associates, were present to answer questions from the Commission.

Ms. Solomon asked if they were receiving any state funding for this project. Ms. Collins stated that they are in the process of applying for funding/housing credits through OHFA. Ms. Solomon stated that she would not participate in this vote because her job would be a conflict of interest with this application.

Prior to Mr. Christensen opening the floor for the public hearing he did an additional public oath for late arrivals to the meeting.

#### Public Comment

Jeffery Bond, 146 Washington Street, stated that the numbers are too high, if it has to be a force fit, then it is a bad idea.

Phyllis Morris, 43 East Mound Street, would like to know if they will still build without the variance. She believes that the seniors do not want nor need smaller housing.

Ryan Patenaude, 52 Trine Street, said that he does not want to live near a large building, which is why he purchased his home at this location. Also would like to know how the alleys are going to support the increase in traffic.

Paul Becker, 49 East Mound Street, he is concerned with the water run-off. Currently the field holds a lot of water. They previously had a lot of trouble with flooding until Trine Street built their own system. Does not believe there is enough parking, that his property value with go down and that the low income housing will cause an increase in police services.

Robert Stedman, 18 East Mound Street, he is concerned about light and noise pollution. He asked if the play area would be for public use. And also stated that he had concerns about the traffic in the one way alleys. Mr. Stedman said that he does not believe the landscaping will go in as large as it is shown and they will have to wait 25 years to have the full effect. He also inquired if there would be a

floor of age limit for the people staying so that family members do not move in. And finally he believes there should be more green space.

Robert Rodenbaugh, 37 East Mound Street, echoed his neighbors' concerns on density and infrastructure concerns, water run-off and supply, sewage, parking and lighting.

Roy Swartz, 62 Trine Street, allowing the variance opens doors to other parts of the village. He has a problem with the entrance of the backside. It should only have one entrance on Waterloo Street.

Kelly Selzer, 40 North Trine Street, stated that she does not want a two story building behind her home. She does not think the alley can handle the traffic. She believes that the rules and guidelines are in place for a reason. They as residents are required to follow these guidelines and so should everyone else.

Debbi Huff, 72 East Waterloo Street, said that all the developers seem to get some sort of variance and they always benefit the developer and not the residents. She agrees with previous comments about traffic concerns and the historic district guidelines.

Lowell Morris, 43 East Mound Street, believes that the field has benefited the community as it is with extra parking during festivals and as a play area for the children. He does not agree with the variances and thinks they are a negative impact of the village.

Mike Gust, 71 East Mound Street, said there is an issue with the safety for the children in the community that play on those alleys. He believes they are asking for something unreasonable.

Mike Feeny, 34 North Trine Street, believes by the looks of the renderings that it is a beautiful building, but it does not belong here. He also restated about traffic issues and safety issues. The building is too big for that size of a lot and also believes it will lower the property value.

Tim Householder, 20 Trine Street, stated that the density is too high and has safety concerns. He does not believe it is a good fit.

Bill Ray, 53 North Trine Street, would like to know if there is a guarantee that if the senior housing does not work that it will not be turned into other apartments. He has questions that the entrance side yards are not met.

Jeremy Curfman, 319 Kramer Court, he does not agree with this development.

With no further public comment, Mr. Vasko made a motion to close the public hearing. Mr. Knowlton seconded the motion. The motion passed unanimously.

Mr. Woodings said that he thought this project would be a nice infill project. He used the Old Town standards to develop the property. They will be widening and improving the alley and the playground will be a public park and deeded to the village.

Ms. Collins stated that they built a similar property in Lancaster, in the same type of neighborhood. Of the forty units that are there only 21 of the residents have cars. There are not that many residents that drive. Also, the proposed development includes community rooms. It is not just an apartment center.

Mr. Knowlton inquired if the project is viable with all one bedrooms. Mr. Woodings stated that the application to OHFA has already been submitted and they cannot change it now.

Mr. Vasko asked if it is not approved as presented then it cannot be built? Mr. Woodings said that is correct.

Mr. Knowlton asked if the widening of the alleys will be done prior to construction. Mr. Woodings stated that they would take one area for construction traffic.

Mr. Knowlton also wanted to know if traffic can be maintained on the alleys during construction. Mr. Woodings said yes.

With no further discussion of the Commission, Mr. Knowlton made a motion to approve Application #VA-09-03 as submitted. Mr. Vasko seconded the motion. The motion failed, 1 – 4 – 1. Voting yes was Mr. Knowlton. Voting no were Mr. Christensen, Dr. Konold, Mr. Vasko, and Mr. Wynkoop. Ms. Solomon abstained.

Mr. Neimayer explained the appeal process to the Applicant.

Mr. Christensen took a break to let the room clear out before continuing with the meeting. Time Out 8:18 p.m.

Mr. Christensen called the meeting back to order. Time In 8:28 p.m.

Item 3. Pending Site Development Plan Application #SDP-09-01 Property Owner Trevcor Development LTD and Applicant Christine Collins, Fairfield Himes, Inc., for property located at 56 East Waterloo Street, are requesting a site development plan approval for a forty unit senior housing apartment development. Mr. Neimayer asked for a motion to table this application pending an appeal to Council by the Applicant. Mr. Wynkoop made a motion to table Application #SDP-09-01 pending the Applicant's appeal to Council. Dr. Konold seconded the motion. The motion passed 5 – 0 – 1 with Ms. Solomon abstaining.

Ms. Solomon rejoined the Commission for the remainder of the meeting.

Item 4. Pending Site Development Plan Application #SDP-09-02 Property Owner and Applicant Grace Bible Church and Darrel Rohrer, architect with the Covenant Group, for property located at 424 Gender Road are requesting a site development plan approval for a 31,739 square foot addition to the church building. Mr. Neimayer gave the staff report and noted that the applicants had a variance in 2007 and all conditions of this approval were still not met. These conditions will need to be incorporated into this application. Mr. Neimayer recommended that the application be tabled until the landscaping plans are overlaid with the proposed site plan and have the required information on them in order for staff to review and make a recommendation to the Commission. Mr. Rohrer was present to answer questions from the Commission.

Mr. Rohrer stated that the addition to the building is for classrooms and office space. The amount of parking is over the requirements, but the church feels it is necessary as families seem to be driving more than one vehicle church services.

Dr. Konold inquired if the classrooms were for daycare or for Sunday school use. Mr. Rohrer said possibly a latchkey program but not a daycare at this time. They are designed for it but not the intended use.

Mr. Vasko stated that the trees precise location is necessary. He is willing to look at the plan with out the full landscaping plans. He said current parking appears to need more or larger islands. He does not believe we should be considering any other proposed development until the previous variance conditions have been met.

Mr. Christensen agreed with Mr. Vasko that the exact location of the trees is not necessary to make a decision.

Mr. Vasko questions the southern parking lot that it did not appear to meet the parking lot guidelines. Mr. Neimayer commented that it does not meet the current tree island regulations. He asked if they wanted to see that. And if so he will work with the landscape architect to get it into compliance.

Mr. Knowlton asked if it was the original parking lot. Mr. Neimayer stated yes it is. Mr. Knowlton also asked if it was in compliance when it was built. Mr. Neimayer stated that he would have to assume that it was. Mr. Knowlton stated that he did not think the Commission had any standing to request it be changed. Mr. Neimayer said that was up to their discretion on how far they would like to take the matter?

Mr. Vasko made a motion to table application #SDP-09-02 per staff recommendations. Ms. Solomon seconded the motion. The motion passed unanimously.

#### Old Business

#VA-09-01, David's United Church of Christ; Sign scheme "A" or "B". Mr. Neimayer informed the Commission that this application had come to them in March. The application was approved using scheme "B" based on asking Rev. David Long-Higgins which option he preferred. Mr. Neimayer has since found out the preferred option was actually scheme "A". Because the motion to approve specifically stated scheme "B", the Commission would need to amend their original motion to allow scheme "A". Bruce Kratochvil, architect for the church, was present to discuss the two sign options with the Commission. Discussion on the two options and construction materials ensued.

Mr. Wynkoop made a motion to amend Application #VA-09-01 to change the approved monument sign to scheme "A" with a concrete or stone cap. Dr. Konold seconded the motion. The motion passed unanimously.

#### New Business – None.

#### Planning and Zoning Administrator's Report

1. Monday, May 18<sup>th</sup>, 6:45 p.m. Council has set their public hearing regarding the code amendment regarding the park fee.
2. As was talked about at the joint meeting about the special events signs, Mr. Neimayer will be working on a draft to bring to the Commission at a future date.
3. Mr. Neimayer reported that Special Olympics Ohio has inquired on placing containers to collect clothing. He informed Special Olympics Ohio to submit a Certificate of Zoning Compliance Application indicating the proposed use, where they would be located and any other relevant information. In reviewing the Zoning Code, Mr. Neimayer does not believe the use is allowed. Further research on the matter will be done, but he would like the Commission's input on this subject.

Adjournment

Mr. Vasko made a motion to adjourn this regular meeting of the Planning and Zoning Commission. Mr. Wynkoop seconded the motion. The motion passed unanimously.

Time Out: 8:59 p.m.

Date \_\_\_\_\_

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Bill Christensen, Chairman

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Jim Wynkoop, Acting Secretary

NOTE: The minutes set forth herein are an extract of the Planning and Zoning Commission meeting. Anyone desiring a transcript of the complete minutes of the Planning and Zoning Commission meeting may obtain the same at a cost of \$10.00 per page.